



DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 147

[Docket Number USCG-2023-0277]

RIN 1625-AA00

Safety Zone; Vineyard Wind 1 Wind Farm Project Area, Outer Continental Shelf,

Lease OCS-A 0501, Offshore Massachusetts, Atlantic Ocean

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish 63 temporary 500-meter safety zones around the construction of 62 wind turbine generators (WTGs) and one electrical service platform (ESP) located in the Vineyard Wind 1 Wind Farm (VW1WF) project area within federal waters on the Outer Continental Shelf (OCS), specifically in the northern portion of Bureau of Ocean Energy Management (BOEM) Renewable Energy Lease Area OCS-A 0501, approximately 12 nautical miles (NM) offshore of Martha's Vineyard, Massachusetts and 12 NM offshore Nantucket, Massachusetts. This action is necessary to provide for the safety of life, property, and the environment during the planned construction of each facility's monopile type foundation and subsequent installation of the WTGs turbines and ESP platform from June 15, 2023, to May 31, 2024. When enforced, only attending vessels and those vessels specifically authorized by the First Coast Guard District Commander, or a designated representative, are permitted to enter or remain in the temporary safety zones. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or

before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE
FEDERAL REGISTER].

ADDRESSES: You may submit comments identified by docket number USCG-2023-0277 using the Federal Decision-Making Portal at <https://www.regulations.gov>. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Mr. Craig Lapiejko, Waterways Management, at Coast Guard First District, telephone 617-603-8592, e-mail craig.d.lapiejko@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

BOEM	Bureau of Ocean Energy Management
CFR	Code of Federal Regulations
DD	Degrees Decimal
DHS	Department of Homeland Security
FR	Federal Register
NPRM	Notice of Proposed Rulemaking
OCS	Outer Continental Shelf
OSS	Offshore Substation
NAD 83	North American Datum of 1983
NM	Nautical Mile
§	Section
U.S.C.	United States Code
WTG	Wind Turbine Generator
VW1WF	Vineyard Wind 1 Wind Farm

II. Background, Purpose, and Legal Basis

On March 15, 2023, Vineyard Wind, LLC, an offshore wind farm developer, notified the Coast Guard that they plan to begin construction of facilities in the VW1WF project area within federal waters on the OCS, specifically in the northern portion of BOEM Renewable Energy Lease Area OCS-A 0501, approximately 12 NM offshore Martha’s Vineyard, Massachusetts and 12 NM offshore Nantucket, Massachusetts in June 2023.

The extremely complex offshore construction of these OCS facilities presents many unusually hazardous conditions including hydraulic pile driving hammer operations, heavy lift operations, overhead cutting operations, potential falling debris, increased vessel traffic, and stationary barges in close proximity to the facilities and each other.

Based on these circumstances, the First Coast Guard District Commander has determined that establishment of 63 temporary safety zones through rulemaking is warranted to ensure the safety of life, property, and the environment within a 500-meter radius of each of the 63 facilities during their construction.

The Coast Guard is proposing this rule under the authorities provided in 14 U.S.C. 544, 43 U.S.C. 1333, and Department of Homeland Security (DHS) Delegation No. 00170.1, Revision No. 01.3. As an implementing regulation of this authority, 33 CFR part 147 permits the establishment of safety zones for non-mineral energy resource permanent or temporary structures located on the OCS for the purpose of protecting life and property on the facilities, appurtenances and attending vessels, and on the adjacent waters within the safety zone (see 33 CFR 147.10). Accordingly, a safety zone established under 33 CFR part 147 may also include provisions to restrict, prevent, or control certain activities, including access by vessels or persons to maintain safety of life, property, and the environment. If, as we anticipate, we issue a temporary final rule and make it effective less than 30 days after publication in the Federal Register, we will explain in that publication, as required by 5 U.S.C. (d)(3), our good cause for doing so.

III. Discussion of Proposed Rule

The District Commander is proposing to establish 63 temporary 500-meter safety zones around the construction of 62 WTGs and one ESP on the OCS from June 15, 2023, through 11:59 p.m. on May 31, 2024.

The construction of these facilities is expected to take place in mixed phases

alternating between the installation of several monopile type foundations followed by the installation of the upper structures then repeating this process throughout the project area until all 63 facilities have been completed. The 63 temporary safety zones would be enforced individually as construction progresses from one structure location to the next throughout the entire process for a period lasting approximately 48 hours. The Coast Guard would make notice of each enforcement period via the Local Notice to Mariners and issue a Broadcast Notice to Mariners via marine channel 16 (VHF-FM) as soon as practicable in response to an emergency or hazardous condition. The Coast Guard is publishing this rulemaking to be effective, and enforceable, through May 31, 2024, to encompass any construction delays due to weather or other unforeseen circumstances. If the project is completed before May 31, 2024, enforcement of the safety zones would be suspended, and notice given via Local Notice to Mariners.

Additional information about the construction process of the VW1WF can be found at <https://www.boem.gov/vineyard-wind>.

The 63 temporary 500-meter safety zones around the construction of 62 WTGs and one ESP are in the VW1WF project area, specifically in the northern portion of BOEM Renewable Energy Lease Area OCS-A 0501, approximately 12 NM offshore of Martha's Vineyard, Massachusetts and 12 NM offshore Nantucket, Massachusetts, within federal waters on the OCS.

The positions of each individual safety zone proposed by this rulemaking will be referred to using a unique alpha-numeric naming convention outlined in the "Rhode Island and Massachusetts Structure Labeling Plot (West)"¹.

Aligning with authorities under 33 CFR 147.15, the proposed safety zones would

¹ The Rhode Island and Massachusetts Structure Labeling Plot (West) is an attachment to the Conditions of Construction and Operations Plan Approval Lease Number OCS-A 0517 ([boem.gov](https://www.boem.gov)) and can be found at <https://www.boem.gov/sites/default/files/documents/renewable-energy/state-activities/SFWF-COP-Terms-and-Conditions.pdf>.

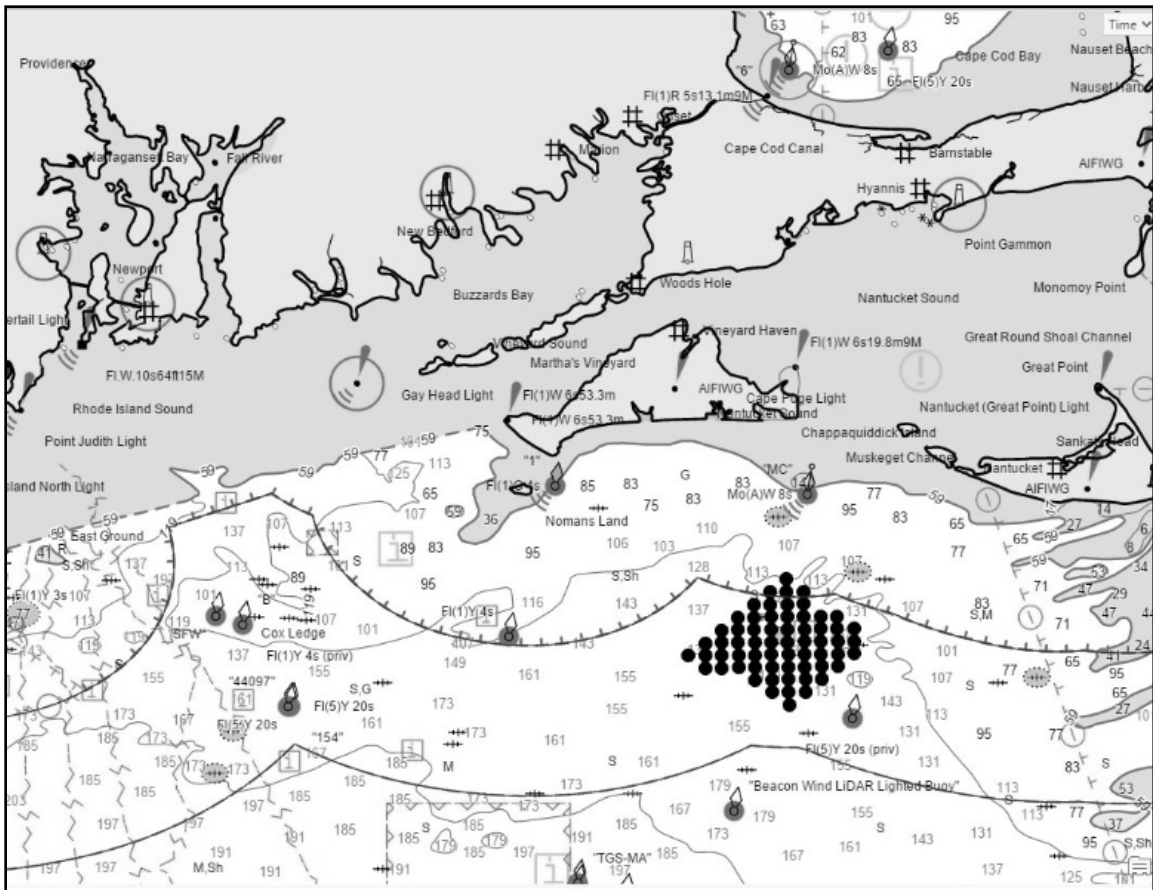
include the area within 500-meters of the center point of the positions provided in the following table expressed in Decimal Degrees (DD) based on North American Datum 1983 (NAD 83).

Name	Facility Type	Latitude	Longitude
AL38	WTG	41.1370161	-70.4638911
AM37	ESP	41.1200616	-70.4851682
AM38	WTG	41.1203387	-70.4635204
AM39	WTG	41.1206168	-70.4414663
AN36	WTG	41.1030927	-70.5072461
AN37	WTG	41.1033791	-70.4851982
AN38	WTG	41.1036612	-70.4631500
AN39	WTG	41.1039392	-70.4411014
AP35	WTG	41.0861251	-70.5289069
AP36	WTG	41.0864155	-70.5068649
AP37	WTG	41.0867017	-70.4848226
AP38	WTG	41.0869837	-70.4627799
AP39	WTG	41.0872615	-70.4407369
AP40	WTG	41.0875351	-70.4186937
AP41	WTG	41.0878044	-70.3966501
AQ34	WTG	41.0691535	-70.5505566
AQ35	WTG	41.0694480	-70.5285205
AQ36	WTG	41.0697382	-70.5064840
AQ37	WTG	41.0700243	-70.4844472
AQ38	WTG	41.0703061	-70.4624101

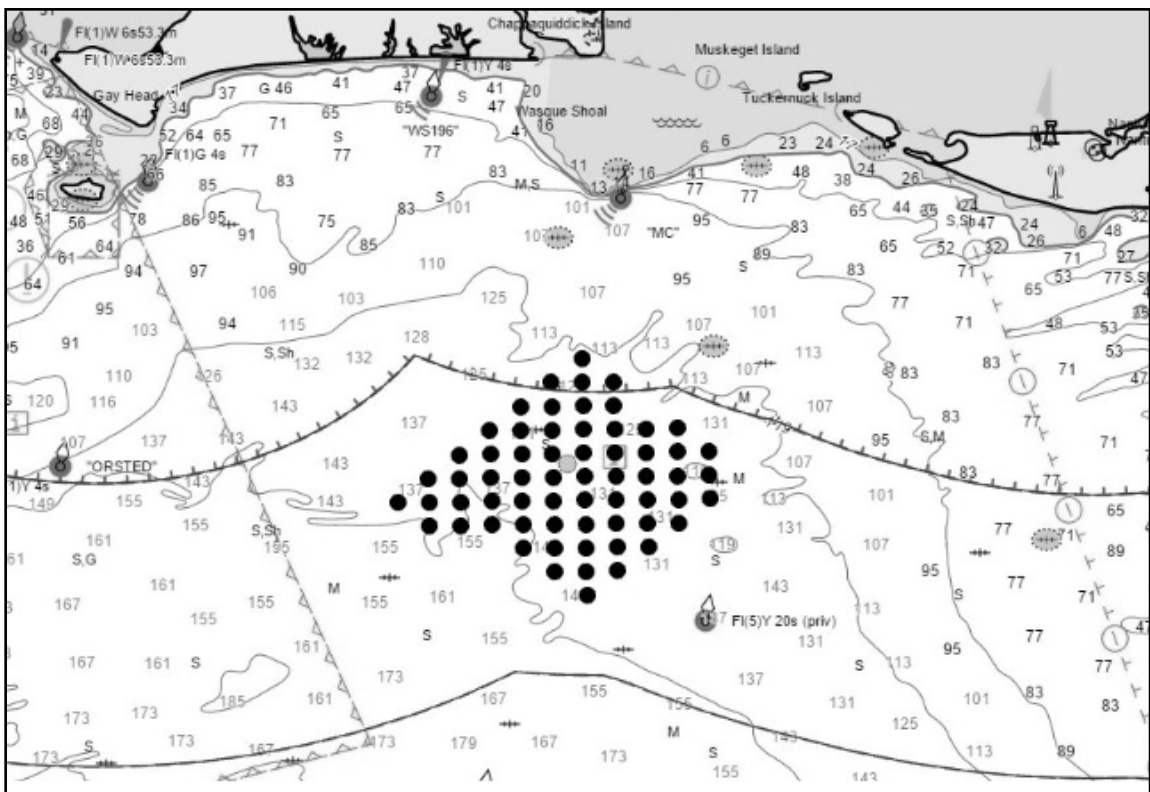
AQ39	WTG	41.0705837	-70.4403727
AQ40	WTG	41.0708571	-70.4183350
AQ41	WTG	41.0711263	-70.3962970
AQ42	WTG	41.0713913	-70.3742587
AR33	WTG	41.0521781	-70.5721951
AR34	WTG	41.0524766	-70.5501649
AR35	WTG	41.0527709	-70.5281343
AR36	WTG	41.0530609	-70.5061034
AR37	WTG	41.0533468	-70.4840722
AR38	WTG	41.0536285	-70.4620407
AR39	WTG	41.0539059	-70.4400088
AR40	WTG	41.0541792	-70.4179767
AR41	WTG	41.0544482	-70.3959442
AR42	WTG	41.0547130	-70.3739115
AS32	WTG	41.0351987	-70.5938225
AS33	WTG	41.0355012	-70.5717982
AS34	WTG	41.0357995	-70.5497735
AS35	WTG	41.0360937	-70.5277485
AS36	WTG	41.0363836	-70.5057231
AS37	WTG	41.0366693	-70.4836975
AS38	WTG	41.0369508	-70.4616715
AS39	WTG	41.0372281	-70.4396452
AS40	WTG	41.0375012	-70.4176186
AS41	WTG	41.0377701	-70.3955918

AS42	WTG	41.0380347	-70.3735646
AT33	WTG	41.0188243	-70.5714016
AT34	WTG	41.0191225	-70.5493824
AT35	WTG	41.0194164	-70.5273630
AT36	WTG	41.0197062	-70.5053432
AT37	WTG	41.0199917	-70.4833231
AT38	WTG	41.0202731	-70.4613027
AT39	WTG	41.0205502	-70.4392819
AT40	WTG	41.0208231	-70.4172609
AT41	WTG	41.0210918	-70.3952396
AU36	WTG	41.0030287	-70.5049636
AU37	WTG	41.0033141	-70.4829490
AU38	WTG	41.0035953	-70.4609341
AU39	WTG	41.0038722	-70.4389190
AU40	WTG	41.0041450	-70.4169035
AV37	WTG	40.9866364	-70.4825752
AV38	WTG	40.9869174	-70.4605659
AV39	WTG	40.9871942	-70.4385563
AW38	WTG	40.9702395	-70.4601980

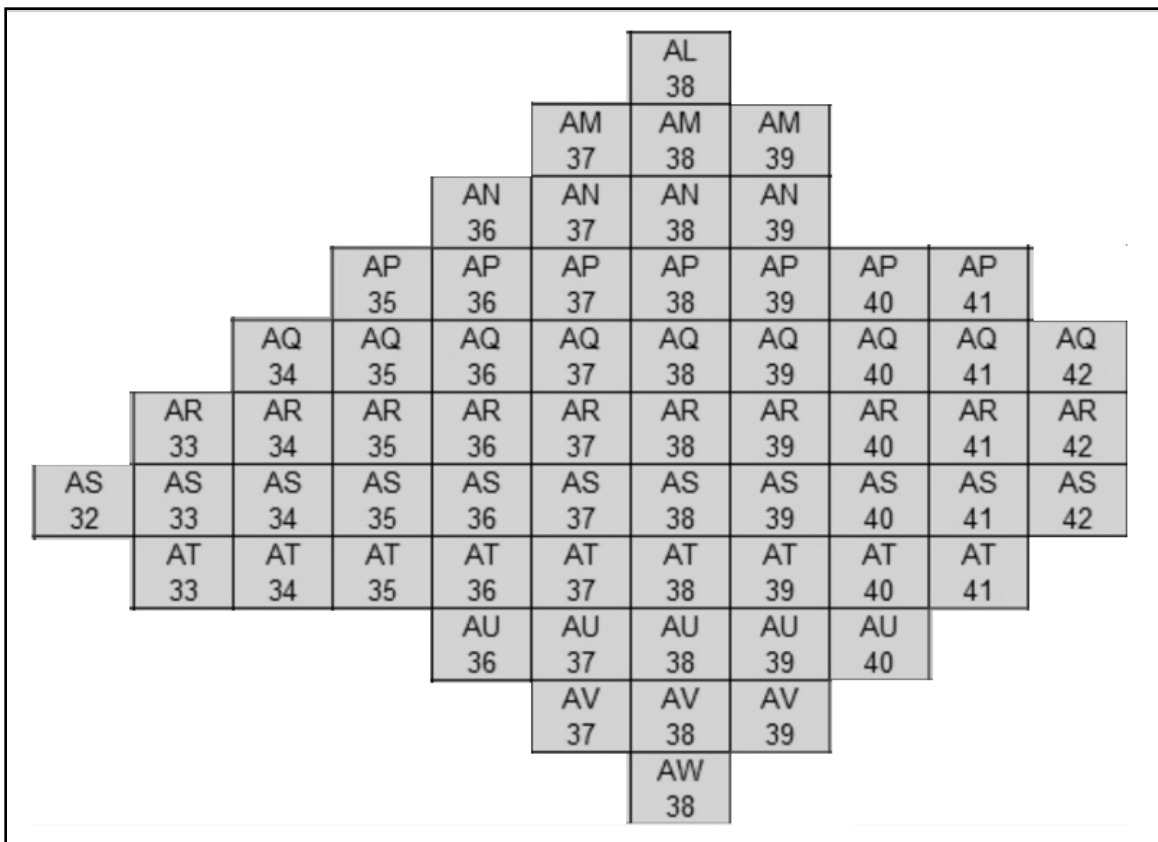
The positions of the 63 proposed safety zones are shown on the following chartlets. For scaling purposes, there is approximately one NM spacing between each position.



(Small scale chartlet showing the positions of the proposed safety zones.)



(Large scale chartlet showing the positions of the proposed safety zones.)



(Chartlet showing turbine positions using unique alpha-numeric naming convention.)

Navigation in the vicinity of the proposed safety zones consists of large

commercial shipping vessels, fishing vessels, cruise ships, tugs with tows, and recreational vessels.

When enforced, no unauthorized vessel or person would be permitted to enter the safety zone without obtaining permission from the First Coast Guard District Commander or a designated representative. Requests for entry into the safety zone would be considered and reviewed on a case-by-case basis. Persons or vessels seeking to enter the safety zone must request authorization from the First Coast Guard District Commander or designated representative via VHF-FM channel 16 or by phone at 617-603-1560 (First Coast Guard District Command Center). If permission is granted, all persons and vessels shall comply with the instructions of the First Coast Guard District Commander or designated representative.

The proposed regulatory text appears at the end of this document.

IV. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and Executive Orders related to rulemaking. A summary of our analyses based on these statutes and Executive Orders follows.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. This NPRM has not been designated a “significant regulatory action,” under Executive Order 12866. Accordingly, the NPRM has not been reviewed by the Office of Management and Budget (OMB).

Aligning with 33 CFR 147.15, the safety zones established would extend to a maximum distance of 500-meters around the OCS facility measured from its center point. Vessel traffic would be able to safely transit around the proposed safety zones, which would impact a small, designated area in the Atlantic Ocean, without significant impediment to their voyage. This safety zone would provide for the safety of life, property, and the environment during the construction of each structure, in accordance with Coast Guard maritime safety missions.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

This rule may affect owners or operators of vessels intending to transit or anchor in the VW1WF, some of which might be small entities. However, these safety zones

would not have a significant economic impact on a substantial number of these entities because they are temporarily enforced, allow for deviation requests, and do not impact vessel transit significantly. Regarding the enforcement period, although these safety zones would be in effect from June 15, 2023, through May 31, 2024, vessels would only be prohibited from the regulated zone during periods of actual construction activity in correspondence to the period of enforcement. We expect the enforcement period at each location to last approximately 48 hours as construction progresses from one structure location to the next throughout the mixed phases. Additionally, vessel traffic could pass safely around each safety zone using an alternate route. Use of an alternate route likely will cause minimal delay for the vessel in reaching their destination depending on other traffic in the area and vessel speed. Vessels would also be able to request deviation from this rule to transit through a safety zone. Such requests would be considered on a case by-case basis and may be authorized by the First Coast Guard District Commander or a designated representative. For these reasons, the Coast Guard expects any impact of this rulemaking establishing a temporary safety zone around these OCS facilities to be minimal and have no significant economic impact on small entities.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121), we want to assist small entities in understanding this proposed rule. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small

entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

This proposed rule would not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132 (Federalism), if it has a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this proposed rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this proposed rule does not have tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments) because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this proposed rule has implications for federalism or Indian tribes, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the potential effects of this proposed rule elsewhere in

this preamble.

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023-01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves the establishment of a safety zone around an OCS facility to protect life, property, and the marine environment. Normally such actions are categorically excluded from further review under paragraph L60 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A preliminary Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the ADDRESSES section of this preamble. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places, or vessels.

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to

which each comment applies, and provide a reason for each suggestion or recommendation.

Submitting comments. We encourage you to submit comments through the Federal Decision-Making Portal at <https://www.regulations.gov>. To do so, go to <https://www.regulations.gov>, type USCG-2023-0277 in the search box and click "Search." Next, look for this document in the **Search Results** column, and click on it. Then click on the **Comment** option. If you cannot submit your material by using <https://www.regulations.gov>, call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions.

Viewing material in docket. To view documents mentioned in this proposed rule as being available in the docket, find the docket as described in the previous paragraph, and then select "Supporting & Related Material" in the Document Type column. Public comments will also be placed in our online docket and can be viewed by following instructions on the <https://www.regulations.gov> Frequently Asked Questions webpage. We review all comments received, but we will only post comments that address the topic of the proposed rule. We may choose not to post off-topic, inappropriate, or duplicate comments that we receive.

Personal information. We accept anonymous comments. Comments we post to <https://www.regulations.gov> will include any personal information you have provided. For more about privacy and submissions to the docket in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

List of Subjects in 33 CFR Part 147

Continental shelf, Marine safety, Navigation (waters).

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 147 as follows:

PART 147—SAFETY ZONES

1. The authority citation for part 147 continues to read as follows:

Authority: 14 U.S.C. 544; 43 U.S.C. 1333; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.3.

2. Add § 147.T01-0277 to read as follows:

§ 147.T01-0277 Safety Zones; Vineyard Wind 1 Wind Farm Project Area, Outer Continental Shelf, Lease OCS-A 0501, Offshore Massachusetts, Atlantic Ocean.

(a) *Description.* The area within 500-meters of the center point of the positions provided in the table 1 is a safety zone:

Table 1 to paragraph (a)

Name	Facility Type	Latitude	Longitude
AL38	WTG	41.1370161	-70.4638911
AM37	ESP	41.1200616	-70.4851682
AM38	WTG	41.1203387	-70.4635204
AM39	WTG	41.1206168	-70.4414663
AN36	WTG	41.1030927	-70.5072461
AN37	WTG	41.1033791	-70.4851982
AN38	WTG	41.1036612	-70.4631500
AN39	WTG	41.1039392	-70.4411014
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AP36	WTG	41.0864155	-70.5068649
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AP38	WTG	41.0869837	-70.4627799
AP39	WTG	41.0872615	-70.4407369
AP40	WTG	41.0875351	-70.4186937

AP41	WTG	41.0878044	-70.3966501
AQ34	WTG	41.0691535	-70.5505566
AQ35	WTG	41.0694480	-70.5285205
AQ36	WTG	41.0697382	-70.5064840
AQ37	WTG	41.0700243	-70.4844472
AQ38	WTG	41.0703061	-70.4624101
AQ39	WTG	41.0705837	-70.4403727
AQ40	WTG	41.0708571	-70.4183350
AQ41	WTG	41.0711263	-70.3962970
AQ42	WTG	41.0713913	-70.3742587
AR33	WTG	41.0521781	-70.5721951
AR34	WTG	41.0524766	-70.5501649
AR35	WTG	41.0527709	-70.5281343
AR36	WTG	41.0530609	-70.5061034
AR37	WTG	41.0533468	-70.4840722
AR38	WTG	41.0536285	-70.4620407
AR39	WTG	41.0539059	-70.4400088
AR40	WTG	41.0541792	-70.4179767
AR41	WTG	41.0544482	-70.3959442
AR42	WTG	41.0547130	-70.3739115
AS32	WTG	41.0351987	-70.5938225
AS33	WTG	41.0355012	-70.5717982
AS34	WTG	41.0357995	-70.5497735
AS35	WTG	41.0360937	-70.5277485

AS36	WTG	41.0363836	-70.5057231
AS37	WTG	41.0366693	-70.4836975
AS38	WTG	41.0369508	-70.4616715
AS39	WTG	41.0372281	-70.4396452
AS40	WTG	41.0375012	-70.4176186
AS41	WTG	41.0377701	-70.3955918
AS42	WTG	41.0380347	-70.3735646
AT33	WTG	41.0188243	-70.5714016
AT34	WTG	41.0191225	-70.5493824
AT35	WTG	41.0194164	-70.5273630
AT36	WTG	41.0197062	-70.5053432
AT37	WTG	41.0199917	-70.4833231
AT38	WTG	41.0202731	-70.4613027
AT39	WTG	41.0205502	-70.4392819
AT40	WTG	41.0208231	-70.4172609
AT41	WTG	41.0210918	-70.3952396
AU36	WTG	41.0030287	-70.5049636
AU37	WTG	41.0033141	-70.4829490
AU38	WTG	41.0035953	-70.4609341
AU39	WTG	41.0038722	-70.4389190
AU40	WTG	41.0041450	-70.4169035
AV37	WTG	40.9866364	-70.4825752
AV38	WTG	40.9869174	-70.4605659
AV39	WTG	40.9871942	-70.4385563

AW38	WTG	40.9702395	-70.4601980
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(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the First Coast Guard District Commander in the enforcement of the safety zones.

(c) *Regulations.* No vessel may enter or remain in the safety zones described in paragraph (a) of this section except for the following:

- (1) An attending vessel as defined in 33 CFR 147.20;
- (2) A vessel authorized by the First Coast Guard District Commander or a designated representative.

(d) *Request for Permission.* Persons or vessels seeking to enter the safety zone must request authorization from the First Coast Guard District Commander or a designated representative. If permission is granted, all persons and vessels must comply with lawful instructions of the First Coast Guard District Commander or designated representative via VHF-FM channel 16 or by phone at 617-223-1560 (First Coast Guard District Command Center).

(e) *Effective and enforcement periods.* This section will be effective from June 15, 2023, through 11:59 p.m. on May 31, 2024. It will only be enforced during active construction or other instances which may cause a hazard to navigation deemed necessary by the First Coast Guard District Commander. The First Coast Guard District Commander will make notification of the exact dates and times in advance of each enforcement period for the locations above in paragraph (a) of this section to the local maritime community through the Local Notice to Mariners and will issue a Broadcast Notice to Mariners via marine channel 16 (VHF-FM) as soon as practicable in response

to an emergency. If the project is completed before May 31, 2024, enforcement of the safety zones will be suspended, and notice given via Local Notice to Mariners. The First Coast Guard District Local Notice to Mariners can be found at:

<http://www.navcen.uscg.gov>.

Dated: April 27, 2023.

J. W. Mauger

Rear Admiral, U.S. Coast Guard

Commander, First Coast Guard District.

[FR Doc. 2023-09415 Filed: 5/2/2023 8:45 am; Publication Date: 5/3/2023]